



RESOLUTION BY

COUNCILMEMBER CLAIR MULLER

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE CUSTER AVENUE CSO IN MAY 2, 2004 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experience a violation to the CSO Consent Decree set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund, Account and Center Number 2J01-529017-Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the Chief Financial Officer of the City is authorized to issue checks payable in the amount of \$2,500.00 to the **State of Georgia** and in the amount of



\$2,500.00 to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

Section 2: That said payments be charged to and paid from Fund, Account and Center Number 2J01 529017 Q31001.

A true copy,

Rhonda Laughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004

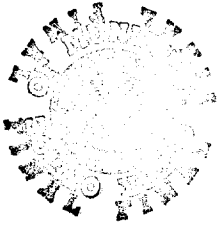


EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.1 as follows:

Section XI.D.1. Fecal Coliforms, May - October

Date	Facility	Colonies/100 ml	Penalty	Comment
05/02/04	Custer CSO	16,364	\$5,000	

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812	41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 ITEMS ADVERSED ON CONSENT 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846

03-TR-2228

(Do Not Write Above This Line)

RESOLUTION BY

COUNCILMEMBER CLAIR MULLER

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 17 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 12/1/03

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Other

Fav, Adv, Hold (see rev. side)

Action

Chair

Date

Committee

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Chair

Date

Committee

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☒ Consent

☐ V Vote

☒ RC Vote

CERTIFIED



MAY 17 2004

MAYOR'S ACTION

MAY 25 2004

MAYOR